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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,585	02/08/2002	Marek Kwiatkowski	11989-008001	2835

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EXAMINER

WHISENANT, ETHAN C

ART UNIT	PAPER NUMBER
1634	

1634

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



Art Unit: 1634

## NON-FINAL ACTION

1. **Claim(s) 1-33** as presented in the claims as originally filed on 28 FEB 02 is/are pending in this application.

### DRAWINGS

2. The drawings filed with this application have been approved by the Examiner under 37 CFR 1.84 or 1.152.

### 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that may form the basis for rejections set forth in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) The invention was described in --

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a)

### Claim Rejections under 35 USC § 102

4. **Claim(s) 1-33** is/are rejected under 35 U.S.C. 102(b) as being anticipated by Kwiatkowski et al., Nucleic Acids Research 24 (23) pages 4632-4638 (1996).

Kwiatkowski et al. teach a method for separating oligos comprising all of the limitations

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recited in Claims 1-29. In addition, Kwiatkowski et al. teach a composition comprising all of the limitations recited in Claims 30-33.

**5.** Claim(s) 1-33 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Kwiatkowski et al. WO98/08857 (1998)]

Kwiatkowski et al. teach a method for separating oligos comprising all of the limitations recited in Claims 1-29. In addition, Kwiatkowski et al. teach a composition comprising all of the limitations recited in Claims 30-33.

**6.** Claim(s) 1-33 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Kwiatkowski et al., Nucleic Acids Research 27 (24) pages 4710-4714 (1999).

Kwiatkowski et al. teach a method for separating oligos comprising all of the limitations recited in Claims 1-29. In addition, Kwiatkowski et al. teach a composition comprising all of the limitations recited in Claims 30-33.

#### CONCLUSION

**7.** Claim(s) 1-33 is/are rejected and/or objected to for the reason(s) set forth above.

**8.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ethan Whisenant, Ph.D. whose telephone number is (703) 308-6567. The examiner can normally be reached Monday-Friday from 8:30AM -5:30PM EST or any time via voice mail. If repeated attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones, can be reached at (703) 308-1152.

The fax number for this Examiner is (703) 746-8465. Before faxing any papers please inform the examiner to avoid lost papers. Please note that the faxing of papers must conform with the Notice to Comply published in the Official Gazette, 1096 OG 30 (November 15, 1989). Any inquiry of a general

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nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0196.

◆ Please note that the USPTO is scheduled to relocate to its new home in Alexandria, VA very soon (JAN 04'). As a result, the examiner's telephone and desktop FAX numbers will be changing. The new telephone and desktop FAX numbers for Ethan Whisenant, Ph.D. are/will be as shown below:

New Telephone number : (571) 272-0754

New FAX number : (571) 273-0754.



**ETHAN WHISENANT  
PRIMARY EXAMINER**